

**FLOOD CONTROL ADVISORY BOARD
MINUTES**

September 24, 2003

Chairman Melvin Martin called the monthly meeting of the Flood Control Advisory Board (FCAB) to order at 2:10 p.m. on Wednesday, September 24, 2003.

Board Members Present: Melvin Martin, Chairman; Shirley Long, Vice Chairman; Tom Callow, Ex Officio; Tom Sands (for Paul Cherrington), Ex Officio; Hemant Patel and Kent Cooper.

Board Members Absent: Paul Cherrington and Scott Ward.

Staff Members Present: Mike Ellegood, Chief Engineer and General Manager; Julie Lemmon, General Counsel; Dick Perreault, CIP/Policy Manager; Tim Phillips, Deputy Chief Engineer and General Manager; Russ Miracle, Division Manager, Planning and Project Management; Michael Alexander, Chief Financial Officer; Greg Jones, Regional Area Manager; Charlie Klenner, Operations and Maintenance Division Manager; Ray Shaffer, North Yard Branch Team Leader; Kelli Sertich, Regional Area Planning Manager; Michael Greenslade, Dam Safety Engineer; Dianna Cunningham, Property Management Branch Manager; Linda Reinbold, Administrative Coordinator and Alicia Robertson, Clerk of the FCAB.

Guests Present: Frank Gu, Olsson Associates; Kevin Kamnerzell, CMX; Paul Goss, CMX; Teri George, David Evans and Associates; Dan Davis, City of Avondale; Brian Fry, Dibble & Associates; Pedro Calza, Aspen Engineers; Jeannette Fish, Maricopa County Farm Bureau; Margaret Ayala MCDem; Bryan L. Lake, USACE, L.A. District; Peggy Ayala, Maricopa County Emergency Management.

1) FLOOD CONTROL DISTRICT EMPLOYEE OF THE QUARTER

Charlie Klenner, Operations and Maintenance Division Manager introduced Ray Shaffer as the Flood Control District Employee of the Quarter. Congratulations to Ray.

ACTION: No action required – for information and discussion only.

2) APPROVAL OF THE MINUTES OF THE MEETING OF JUNE 25, 2003

ACTION: It was moved by Mr. Callow and seconded by Mr. Patel to approve the minutes as submitted. The motion carried unanimously.

3) AGUA FRIA RIVER ECOSYSTEM RESTORATION PROJECT FOR THE AGUA FRIA RIVER LEVEES IN AVONDALE

Greg Jones, P.E., Regional Area Planning Manager, presented Agua Fria River Ecosystem Restoration Project for the Agua Fria River Levees in Avondale, Resolution FCD 2003R006. This project is intended to address environmental restoration and aesthetic enhancement of the lower nine miles of the Agua Fria River from Thomas Road to the Gila River, within the municipal limits of the City of Avondale and portions of unincorporated Maricopa County. This reach of the river was channelized in the 1980's as part of Agua Fria River Channelization project. The U.S. Army Corps of Engineers is authorized to spend no more than \$5,000,000 on the project and a co-sponsor must cost share 25 percent (\$1,670,000) of the project cost bringing the total money available for restoration to \$6,670,000. The City of Avondale has indicated an interest to cost share with the District on a fifty/fifty (\$835,000 each) basis.

Discussion:

Patel: Is this part of the West Valley Recreational Corridor?

Jones: Yes, it is.

Patel: So it has a trail system in the plan?

Jones: Yes it does, the trail will tie in the parks at the Youths Sports Complex in Avondale and Coldwater Park in Avondale.

Martin: Where is the right-of-way you are requesting money for?

Jones: We need to negotiate some easements with ADOT; we do not expect the right-of-way to be a large cost. Also, at the Waste Water Treatment Plant, there is about 18 acres that we will need to acquire for the extended wetland area. A lot of the right-of-way belongs to the District already, and we will receive credit to our cost share for the property that we own in fee.

ACTION: It was moved by Mr. Patel and seconded by Ms. Long to approve the staff recommendation. The motion carried unanimously with the exception of Mr. Martin who abstained for cause.

4) RESULTS OF THE SEPTEMBER 5, 2003 FCAB SPECIAL MEETING

Tim Phillips, P.E., Deputy Chief Engineer and General Manager presented a summary from the September 5, 2003 FCAB Special Meeting. The direction that came from the FCAB Special Meeting was a plan, which consists of talking to the Cities to find what they like and don't like about the cost share and try to consolidate that to build a consensus. The first step in this process would be to develop a questionnaire to send out to each of the Client Cities so that input can be collected from all the cities. The Cities had valuable input and the questionnaire will allow the District to bring their input into the cost share discussion.

Discussion:

Martin: What was the general consensus of the feedback from people since the Special FCAB meeting?

Phillips: Bryan Patterson from the City of Chandler called me and said that he was happy to be able to participate and bring the City's perspective to the table. They want to be a part of the discussion and are openly embracing the communication. Everything I've heard so far has been favorable in that we are going the right direction and it is an issue that needs to be resolved.

Callow: Mike have you had any discussions since the FCAB Special Meeting with the BOD?

Ellegood: Not formally, I've had some informal discussions with some of the BODs, they know we are working on this. I think they understand the relationship that we are endeavoring to establish and maintain with our Client Cities and I think they applaud our efforts. I did have an opportunity to visit with Grant Anderson from the City of Goodyear. Grant understands the cost share as well as the need for it and basically suggested we leave the program the way it is. I informed him that we are talking to all of our Client Cities.

Martin: I thought the meeting we very well and was well worth doing.

Patel: I agree, it is really good to talk face to face with the Clients.

ACTION: No action required – for information and discussion only.

Mike Ellegood congratulated Michael Alexander on his recent promotion to Chief Financial Officer.

5) FISCAL YEAR 2003 FINANCIAL RESULTS COMPARATIVE

Michael Alexander, Chief Financial Officer, presented the Fiscal-Year 2003 Financial Results Comparative. Most of the targets were hit or came very close with the main exception being in land sales and rental income in which we exceeded budget by a considerable amount due to the sale of the Camelback Ranch property. FY 2003 ended with the District spending about \$9 million less than was anticipated when the Operating Budget and the CIP Budget were considered. The District managed expenditures and revenue quite well during FY 2003. The increased revenue from the sale of Camelback Ranch and the shortfall in expenditures in both the Operating Budget and to a greater extent the CIP Budget meant that we ended up with about \$17 million dollars more in the ending Fund Balance than we anticipated at the beginning of the year. Mike completed his presentation by showing the FCAB a comparative of a few of the Key Operating Results.

Discussion:

Martin: Where do you put the surplus money, the interest?

Alexander: There is an item listed for interest, our actual interest for FY2003 was \$608,000.

Ellegood: I'd be real interested to know how other public works agencies perform relative to their CIP that is delivered as we have shown and their overhead rates. I don't know any clearinghouse for that data, so I'm always comparing to my experience as a consultant. It seems that if we do 84% of what we say we are going to construct in a year, then we are doing pretty good.

Callow: They look good to me. Is it County policy to not budget for vacancies? The City of Phoenix carries a budget for vacant positions but we don't budget 100% for salaries.

Ellegood: We typically budget 100%, we are told to spend 5% less than that.

Martin: Why in 2004 are you going to farm off more work to consultants?

Ellegood: We are limited as to our staffing level. We've had a flat staffing level now for almost six years. We've rearranged some of the positions but in order to build what we need to build we have to rely more and more on outside services and the consulting community. At the same time, we are trying to retain enough skill in house to be able to react to emergencies and to have a knowledgeable data base and skill set to be able to do work and look at plans that consultants bring in.

Patel: I'd like to compliment you and your staff for tracking things like overhead; it is refreshing to see that in a governmental agency.

ACTION: No action required – for information and discussion only.

6) COMPREHENSIVE PLAN AND HAZARD MITIGATION PLAN STATUS UPDATE

Kelli Sertich, AICP, Regional Area Planning Manager, presented the Comprehensive Plan and Hazard Mitigation Plan Status Update. District staff is in the process of updating the 2002 Comprehensive Plan. A number of changes need to be made to gain additional points in the Community Rating System (CRS) program of the National Flood Insurance Program (NFIP) and to help in moving toward a Class 4 rating (the County is currently a Class 5). Kelli also briefed the FCAB on the Hazard Mitigation Plan (HMP). The Disaster Mitigation Act of 2000 (DMA2K) was passed by Congress requiring a HMP to be prepared by all State and local governments. The District's Comprehensive Plan and portions of the countywide HMP contain the same information. The HMP is currently being prepared with District staff involvement and with Maricopa County Emergency Management as the lead Department for the County's HMP. Failure to have an approved HMP by November 2004 may result in the District/County not being eligible for Hazard Mitigation Grant money.

Discussion:

Patel: Do the Area Drainage Master Plan (ADMP) and Water Course Master Plan (WCMP) studies that we are doing count toward the planning that is required?

Sertich: Yes they do, all the information is rolled into a summary comprehensive plan. That was done recently by Shanna Yager when she submitted the individual ADMPs and asked if they could count as our stormwater element, and yes they can.

Patel: So we are just low on points because we have not done the studies countywide yet?

Ellegood: We are a growing community, as we grow out we plan as Kelli pointed out. I can envision whole pieces of this county that we will never plan, such as Tonto National Forest, Goldwater Range and military areas because there is no need to.

Sands: Pima County had a program a few years ago that may still be ongoing called "Project Impact", are you familiar with that and how does it compare to the Hazard Mitigation Plan that is now being promoted?

Sertich: I'm familiar with Project Impact, but I'm going to ask if Peggy Ayala from Maricopa County's Emergency Management to address that question.

Ayala: Project Impact focused on specific communities so it was not requiring all communities to have mitigation plans. Various communities would apply to be considered a Project Impact community and would receive some federal funding. That program is no longer in existence. DMA2K is requiring all jurisdictions to have a mitigation plan by November 1, 2004. Under the old rules, a disaster had to occur within your state to open that mitigation door, this is changing. If the District applies for the funding you would fall under the old rules so you would have an 18-month window to develop the mitigation plan.

Sands: Is FEMA providing any funding for the development of the plan?

Ayala: You would need to apply for a grant with FEMA. At this point, we have applied for two grants. We did receive grants from last year's Rodeo- Chediski fire under the old rules. There is not a pot of money for development of a plan. You have to keep your ears open and try and get grants as they come in.

Patel: I saw something in the media after the recent hurricanes about FEMA revisiting the definitions of the floodplains and getting that program completed because of all the damage that occurred.

Ellegood: I had not heard that, I have had conversations with both FEMA-Region 9 and the NAFSMA folks and this was not discussed.

Patel: It was a non-technical media event, but it did touch on the fact that landowners don't like agencies coming in and doing floodplain delineation because of the impact on land values but FEMA was going to force something through to make it easier because of the damage caused.

Ellegood: The District is very much involved with FEMA in developing digital flood insurance rate maps for all of Maricopa County as FEMA's agent. We expect to have them produced by the end of this calendar year. But this is independent of the recent hurricane.

Martin: What is the budget for the DFIRM map production?

Ellegood: Here in Maricopa County we have signed an agreement with FEMA as if we were a consulting firm and will be reimburse \$354,000, which is what it would have cost them to have them produced.

ACTION: No action required – for information and discussion only.

7) MCMICKEN DAM FISSURE ZONE REMEDIATION PROJECT UPDATE

Michael Greenslade, P.E., Dam Safety Engineer, presented the McMicken Dam Fissure Zone Remediation Project Update. The District has completed Structures Assessment Program Phase I Dam Safety Studies and several Geotechnical Investigations for McMicken Dam. The ground subsidence and presence of earth fissures in close proximity to the dam poses a risk to dam safety of a nature that necessitates corrective action in a timely manner. The District initiated an alternative analysis study to determine the best plan for mitigation of the fissures at McMicken Dam. The results of this study show that a new dam segment constructed outside of the fissure risk zone would isolate the section of McMicken Dam at risk to fissuring, and correct the associated dam safety deficiency. The alternative analysis will take into consideration potential impacts and enhancements to the Maricopa County Regional Trail System Plan and other recreational uses. The total project cost including, permit acquisition, design, construction, and construction management is currently estimated at \$3.2 million.

Discussion:

Sands: What are we doing about the spillway with the Mesquite trees in it?

Greenslade: That is a safety deficiency we will address in the overall dam modifications. We have discussed it with ADWR and done some analysis, which indicates what the actual capacity of the spillway is with that blockage and we will continue to monitor it.

Sands: What is keeping us from removing the Mesquite trees to improve the spilling capacity to where it was?

Greenslade: Mike Greenslade deferred this question to Tom Renckly.

Renckly: The spillway issue is just one of a number of issues we have at McMicken Dam. The plan is to address this issue with the overall rehab of the dam. The area we are talking about is 80 to 90 acres of a mature mesquite bosque. Simply going in and removing it is not a good idea. One of the alternatives may be as we rehabilitate the dam lengthening the spillway. There also may be some work that can be done to thin out the mesquite in addition to changing the spillway configuration. We view that as a deficiency but not a current issue that would make the dam unsafe and we do intend to address it.

Martin: I don't think this is an area that needs to be beautified.

Ellegood: We've been out in the area quite a lot it is also one of the initial areas that is being programmed for implementation of the Maricopa County Trails in an effort to link all county parks. This is just outside the front door of the White Tank Mountains and leads up toward Lake Pleasant and the plan by the Maricopa County Trails Commission is to use the McMicken Dam Corridor as part of their trail. This creates another issue which I have relayed to the Maricopa

County Trails Commission and our BOD and that is I don't want to open this trail along McMicken Dam to the public and then turn around and try to take it back and say we have to cut down all the trees or we have to take out part of the dam and take the park away because we have to rehabilitate the dam. There are some real timing issues, we are prepared to participate in the development, but we need to integrate everything together.

Patel: How are we paying for this, is this part of our CIP, do we have any partners?

Ellegood: We have no partners, we are looking for federal dollars. Currently this is Operations and Maintenance and part of our Dam Safety Program, an initiative we started about four years ago. It will be paid for as part of our CIP activity, to date most of our work has been through the use of the consulting community; on- call consultants and some work in- house.

Patel: When this turns into a project, will it come back for a vote from the FCAB?

Martin: How long will it be before it comes back for a vote?

Ellegood: Probably in 2004, a lot of this work is very new ground, both in terms of how we detected and located the fissures, using very sophisticated ground penetrating radar techniques as well as developing a form of mitigation. This is still work in progress and this is simply a progress report. I anticipate it will take another 6 to 9 months to firm up the plan and make determinations of whether the U.S. Army Corps of Engineers (Corps) is going to be involved. Tom is that about right?

Renckly: That is a good description of where we are at right now. We are trying to work with the Corps to get a feasibility study, the concern there is how much it is going to cost. We have a lot of information that the District has generated on this dam and we are hopeful that it will reduce the cost of the feasibility study. We do plan to come to the FCAB for authorization to negotiate with the Corps on the feasibility study and an Intergovernmental Agreement (IGA) by April or May of 2004. Our estimate on the overall rehab of the dam is about \$25 million; it would be much more to replace the dam. We anticipate that if we can get federal funding for the structure, the Corps will fund 65% of the structure or \$16 million and the District would fund \$9 million.

ACTION: No action required – for information and discussion only.

8) BETHANY HOME OUTFALL CHANNEL LANDS UPDATE

Dianna Cunningham, Property Management Branch Manager presented the Bethany Home Outfall Channel Lands Update. Recent land acquisition activities include the 72 properties, which were identified for purchase between 67th Avenue and 73rd Avenue. Of the 72 properties identified, 71 have been acquired and one is currently in escrow. All properties will be vacated by February 2004 and demolition will be complete by the end of 2004 with construction beginning in 2005. The Home Owners Association (HOA) has been very concerned about the project and has also been proactive. To help with the concerns, District staff have attended quarterly HOA meetings, distributed informational flyers to adjoining property owners and also invited the Phoenix Police Department to the HOA meetings to keep them apprized of any issues or developments.

ACTION: No action required – for information and discussion only.

9) COMMENTS FROM THE CHIEF ENGINEER AND GENERAL MANAGER

Mr. Ellegood began by announcing the Employer of the Year award received by MCDOT and the Flood Control District's Public Works Lands and Right-of-Way Division. The award was presented at the International Right-of-Way Association's Annual Arizona Chapter Conference. The award is given annually to the organization that exhibits the Highest Degree of Professional Standards, Service Within the Right-of-Way Field and a High Degree of Support for the International Right-of-Way Association and its standards.

Mr. Ellegood informed the FCAB of the change in the proposed IGA between Maricopa County and the District to formally place the District as a County agency. The initiative was a concern because of the relationship the District has with its Client Cities and also because of the need to maintain some separation from the formal part of the County. This has subsequently been reviewed and the District has been asked to work through the County. Mr. Ellegood also informed the FCAB of a new initiative that he was just recently made aware of which is to formally combine MCDOT and the Flood Control District into a combined Transportation, Flood Control District Public Works Agency. An internal study was done that the District staff were unaware of that suggested there might be some personnel savings as a result of the combination. Mr. Ellegood has been asked to meet with David Smith, County Administrator, tomorrow (September 25) to discuss in more detail.

Patel: I'd be curious to get feedback on how the County proposes to keep the money separated. There is a separate tax rate and any plan of that kind would need to pay a lot of attention to separation.

Ellegood: You are right, there are a lot of issues related to funds. In the six years I've been here, I've worked very, very hard to establish a relationship with our Client Cities. Separation is one issue, the ability to work sort of as an honest broker with our Client Cities is important. A lot of issues and details will need to be worked out. As time goes on and details come out, I will certainly keep all of you advised.

Martin: Doesn't the charter call for a separate entity?

Lemmon: Yes the District is set up as a separate government but it also says specifically in the statute, for example, the County Engineer can be the Chief Engineer. There are some things in the statute even though it says the District is separate that contradict that by saying, you are going to have the same Board of Supervisors sit as your Board of Directors and you can have the same engineer and the same attorney and the same treasurer as the County. It sets the District up separate but then it puts it immediately into a relationship that is very close to the County. Pima County has had a closer relationship for many years, perhaps that is what they are looking at. It is not illegal as long as the funds are separately accounted for.

ACTION: No action required – for information and discussion only.

Shirley Long addressed the Board and announced she is resigning from the FCAB.

Discussion:

Martin: You've been an asset to the FCAB and we are going to miss you.

10) SUMMARY OF RECENT ACTIONS

Actions of the Board of Supervisors were included in the FCAB packet.

11) OTHER BUSINESS AND COMMENTS FROM THE PUBLIC

There was no other business or comments from the public.

The meeting was adjourned at 3:25 p.m. by general consent.

Scott Ward
Secretary of the Board

Alicia Robertson
Clerk of the Board